

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

UNITED STATES OF AMERICA,

Plaintiff

v.

FAYSAL KALAYAF MANAHE,
YASER AALI,
AMMAR ALKINANI, AND
QUASIM SAESAH

Defendants.

CRIMINAL ACTION

CASE NO. 2:22-CR-13-JAW

**DEFENDANT FAYSAL KALAYAF MANAHE’S MOTION TO PRESERVE TESTIMONY
FOR TRIAL**

Defendant Faysal Kalayaf Manahe (“Kalayaf”), by and through counsel Norman, Hanson & DeTroy, moves to preserve testimony by taking the trial deposition of Tammy Usher at a mutually convenient time for the State and Defendants pursuant to Rule 15(a)(1) of the Federal Rules of Criminal Procedure.

Tammy Usher is an employee of Maine Department of Health and Human Services and is a material witness who is under subpoena. Ms. Usher was previously scheduled to testify on Monday, March 13, 2023 at 9:30 am. Due to the delay in trial, it is anticipated that Ms. Usher would be called to testify on Monday, March 20, 2023. The Government has indicated it will rest after the conclusion of S/A Andrew Drewer’s testimony, and Kalayaf anticipates a short defense case, which will result in Kalayaf resting by the end of the day on Monday, March 20th.

Ms. Usher has represented to counsel that she has a pre-planned and pre-paid vacation out-of-state between March 20-24, 2023. Ms. Usher has represented that she will be on a plane on March 20th from 7:15 am-4:30 pm, and will not have access to a computer while on vacation. Ms. Usher has represented that the only internet-capable device that she will have is her personal cell phone. Assistant Attorney General Brendan Kreckel has been involved in all communications with Ms. Usher.

Although a material witness, Ms. Usher's testimony should be short in duration. Counsel estimates direct testimony of Ms. Usher should take approximately 30 minutes.

Taking Ms. Usher's trial deposition on Thursday, March 16, 2023 or at another mutually-convenient time would allow the preservation of her testimony, and the presentation of that testimony at trial while also not forcing Ms. Usher to change her pre-planned travel. The alternative would be to force Ms. Usher to change her travel plans and to testify in-person. The trial deposition would also allow this Court to rule on the Government's anticipated objections to portions of Ms. Usher's testimony prior to presentation of her testimony to the jury.

Counsel has consulted with counsel for the co-Defendants and all have indicated that they would agree to waive their rights of confrontation. Kalayaf further waives his right of confrontation to the extent necessary to grant this Motion.

WHEREFORE, Defendant Kalayaf moves this Court to order that the trial deposition of Tammy Usher pursuant to Fed.R.Crim.P. 15(a)(1) on Thursday, March 16, 2023 or at another time mutually agreed to by the Government and Defendants.

Dated at Portland, Maine this 13th day of March, 2023.

/s/ Thomas S. Marjerison
Thomas S. Marjerison, Esq. ~ Bar No. 7836
Attorney for Faysal Kalayaf Manahe

Norman, Hanson & DeTroy, LLC
Two Canal Plaza
P.O. Box 4600
Portland, ME 04112
Phone: 207-774-7000
Fax: 207-775-0806
tmarjerison@nhdlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023, I caused the filing of the foregoing Defendant Faysal Kalayaf Manahe's Motion to Preserve Testimony for Trial, which sent such notice to the individuals and entities who have entered appearances in this case, pursuant to the Court's ECF system.

/s/ Thomas S. Marjerison
Thomas S. Marjerison, Esq. ~ Bar No. 7836
Attorney for Faysal Kalayaf Manahe

Norman, Hanson & DeTroy, LLC

Two Canal Plaza
P.O. Box 4600
Portland, ME 04112
Phone: 207-774-7000
Fax: 207-775-0806
MarjerisonService@nhdlaw.com
MKane@nhdlaw.com